

the Senate to order as In Legislative Session at 12:45 o'clock p.m. today.

House Bills and Resolution on First Reading

The following bills and resolution received from the House, were read the first time and referred to the committees indicated:

H. B. No. 80, To the Committee on State Affairs.

H. B. No. 21, To the Committee on State Affairs.

H. C. R. No. 17, To the Committee on Game and Fish.

H. B. No. 174, To the Committee on State Affairs.

H. B. No. 235, To the Committee on Counties, Cities and Towns.

H. B. No. 238, To the Committee on Game and Fish.

H. B. No. 239, To the Committee on Game and Fish.

H. B. No. 75, To the Committee on State Affairs.

H. B. No. 62, To the Committee on Transportation.

H. B. No. 58, To the Committee on Jurisprudence.

H. B. No. 10, To the Committee on Counties, Cities and Towns.

H. B. No. 115, To the Committee on Banking.

H. B. No. 97, To the Committee on State Affairs.

H. B. No. 233, To the Committee on Counties, Cities and Towns.

H. B. No. 55, To the Committee on Jurisprudence.

Welcome Resolution

S. R. No. 154—By Senator Word: Extending welcome to Byron McClellan of Gatesville.

Adjournment

On motion of Senator Aikin the Senate at 12:57 o'clock p.m. adjourned until 11:00 o'clock a.m. on Monday, February 25, 1963.

TWENTY-EIGHTH DAY

(Monday, February 25, 1963)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present.

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 21, 1963, was dispensed with and the Journal was approved.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 25, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 50, A bill to be entitled "An Act amending Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as last amended by Chapter 259, Acts of the 57th Legislature, Regular Session, 1961 (which is compiled as the 'Uniform Act Regulating Traffic on Highways, Article 6701d, Vernon's Texas Civil Statutes'), by adding thereto a new article [relating to speed of vehicles, rules of enforcement and admissibility of evidence], repealing Section 8 of Chapter 42, Acts of the 41st Legislature, Second Called Session, 1929, as amended (com-

piled as Section 8, Article 827a, Vernon's Texas Penal Code); and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 50, To the Committee on Jurisprudence.

Reports of Standing Committees

Senator Patman submitted the following report:

Austin, Texas,
February 25, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to whom was referred S. B. No. 295, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PATMAN, Chairman.

Senator Parkhouse submitted the following report:

Austin, Texas,
February 25, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 293, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Senator Creighton submitted the following reports:

Austin, Texas,
February 25, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 239, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Austin, Texas,
February 25, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 238, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Senator Crump submitted the following report:

Austin, Texas,
February 25, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 320, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

Senate Bill 293 Ordered Not Printed

On motion of Senator Crump and by unanimous consent S. B. No. 293 was ordered not printed.

House Bill 239 Ordered Not Printed

On motion of Senator Kazen and by unanimous consent H. B. No. 239 was ordered not printed.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senators Aikin and Word:

S. B. No. 305, A bill to be entitled "An Act to amend subsection a. of Section 1(4) in Article III of Senate Bill 116, Chapter 334, Acts 51st Legislature, Regular Session 1949, as last amended in Section 1 of Senate Bill 70, Chapter 386, Acts 55th Legislature, Regular Session 1957 (Article 2922-13, Sec. 1(4)a, V.T.C.S.), to increase the age eligibility for exceptional children program benefits; providing for an effective date of this Act; and declaring an emergency."

To the Committee on Education.

By Senator Richter:

S. B. No. 306, A bill to be entitled

"An Act making an appropriation to the Vocational Rehabilitation Division of the Texas Education Agency to provide funds for the rehabilitation of severely physically disabled Texas citizens for the biennium 1963-64 and 1964-65; defining Severely Physically Disabled, Comprehensive Rehabilitation; providing for repealing and severability clauses; declaring Legislative intent and declaring an emergency."

To the Committee on Finance.

By Senator Hazlewood:

S. B. No. 307, A bill to be entitled "An Act amending Art. 5.06 of Section 1 of S. B. No. 236, Acts of the 52nd Legislature, Regular Session (1951), Ch. 491, p. 868 (Art. 5.06 of the Insurance Code) by providing for non-cancellable automobile insurance in certain instances; providing for severability; and declaring an emergency."

To the Committee on Insurance.

By Senator Owen:

S. B. No. 308, A bill to be entitled "An Act creating a Court of Domestic Relations for Midland County, Texas; prescribing its jurisdiction; conforming the jurisdiction of other courts thereto; providing the manner of selection, tenure, compensation and duties of the judge and other officers of said Court; making other provisions relating to the operation of said Court; providing for the creation, powers, compensation and duties of a Juvenile Board and making other provisions relating thereto; providing for the services of certain county and district officers; providing a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Herring:

S. B. No. 309, A bill to be entitled "An Act to be known as the Uniform Commercial Code, Relating to Certain Commercial Transactions in or regarding Personal Property and Contracts and other Documents concerning them, including Sales, Commercial Paper, Bank Deposits and Collections, Letters of Credit, Bulk Transfers, Warehouse Receipts, Bills of Lading, other Documents of Title, Investment Securities, and Secured Transactions, including certain Sales of Accounts, Chattel Paper, and Contract Rights;

Providing for Public Notice to Third Parties in Certain Circumstances; Regulating Procedure, Evidence and Damages in Certain Court Actions Involving such Transactions, Contracts or Documents; to Make Uniform the Law with Respect Thereto; and Repealing Inconsistent Legislation.

To the Committee on Jurisprudence.

Senate Concurrent Resolution 23

Senator Herring offered the following resolution:

S. C. R. No. 23, Granting the City of Austin easements across certain strips of land for the purposes of electric transmission lines.

Whereas, The rapid growth of northcentral Austin has greatly increased the demand for electrical energy to serve residences, businesses, and State buildings, such as the Department of Public Safety Building; and,

Whereas, Similar increasing electrical demands are occurring in the southeastern section of Austin, specifically in the area of the Texas Blind, Deaf and Orphans School; and,

Whereas, The electrical energy requisite to supply the various above named uses is best supplied through dispersed, moderately sized transmission lines in order to decrease the possibility of total failure of electric service in an entire area as the result of fire, panic, or civil defense emergency; and,

Whereas, The State-owned lands across which electric transmission easements are sought, as well as other State-owned lands will be benefited by the provision of adequate electrical service which will be made possible by the construction of transmission lines in the hereinafter described easements; Now, Therefore, be it

Resolved, By the Senate, the House of Representatives concurring:

That in consideration for the benefits which will accrue to the State of Texas by reason of the extension and development of such transmission lines, there are hereby dedicated and granted to the City of Austin easements for electric transmission and distribution line purposes, upon along and across the following described tracts of land, to-wit:

Tract No. 1.

A strip of land ten (10.00) feet in

width, same being out of and a part of that certain tract of land out of and a part of the J. C. Tannehill League in Travis County, Texas which was conveyed to the State of Texas by Warranty Deed dated September 2, 1958 of record in Volume 1994 at page 1 of the Deed Records of Travis County, Texas; the centerline of said strip of land ten (10.00) feet in width being more particularly described as follows:

Beginning at a point in the above described tract of land, said point being in the present east right-of-way line of Airport Boulevard (U. S. 183) and from which point of beginning a corner fence post at the intersection of the right-of-way line of said Airport Boulevard (U. S. 183) and the north right-of-way line of proposed Loop No. 111 bears S 6° 21' E 35 feet;

Thence S 89° 45' E, 38 feet to a point;

Thence S 82° 00' E, a distance of 843 feet, more or less, to point of termination in the north right-of-way line of proposed Loop No. 111.

Tract No. 2.

A strip of land six (6.00) feet in width, same being out of and a part of that certain tract of land out of and a part of the James P. Wallace Survey No. 57 in the City of Austin, Travis County, Texas which was conveyed to the State of Texas by Warranty Deed dated January 13, 1908 of record in Volume 217 at page 465 of the Deed Records of Travis County, Texas; the centerline of said strip of land six (6.00) feet in width is more particularly described as follows:

Beginning at a point in the west line of the said State of Texas tract of land, same being in the east line of Lamar Boulevard and from which point of beginning the present northwest corner of the said State of Texas tract of land, same being the point of intersection of the south line of Denson Drive with the said east line of Lamar Boulevard, same being the southwest corner of that certain 0.298 of one acre of land dedicated for street purposes by Senate Concurrent Resolution No. 24, 56th Legislature of the State of Texas and recorded on Page 1123 of the General and Special Laws of Texas, bears N 29° 48' E 37.77 feet;

Thence, S 67° 42' E 289.36 feet to point of termination in the present

south line of said Denson Drive, same being the present north line of the State of Texas tract of land and from which point of termination the northwest corner of said State of Texas tract bears N 60° 12' W 286.85 feet.

The resolution was read and was referred to the Committee on State Affairs.

Senate Resolution 161

Senator Hardeman offered the following resolution:

Be it resolved by the Senate of the State of Texas, That the President of the Senate designate a member of the Senate of Texas to read The Declaration of Independence adopted by "The Great Convention" at Washington-on-the-Brazos on March 2, 1836, at an appropriate time during the Session of the Senate on Monday, March 4, 1963.

The resolution was read and was adopted.

Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 106, A bill to be entitled "An Act relating to the division of certain rural high school districts and consolidated independent school districts into election precincts by the Board of County School Trustees in certain counties; providing for the mode of election and terms of office of school trustees in said rural high school districts and consolidated independent school districts; and declaring an emergency."

Senate Concurrent Resolution 22 on Second Reading

The President laid before the Senate as unfinished business S. C. R. No. 22 (the resolution having been introduced, read and motion adopted to consider the resolution immediately on Wednesday, February 20, 1963).

Question—Shall S. C. R. No. 22 be adopted?

Motion to Place

Senate Bill 88 on Second Reading

Senator Richter moved that Senate Rules 116 and 13 and Section 5 of Ar-

title III of the State Constitution be suspended and that S. B. No. 88 be taken up for consideration at this time.

Senator Owen raised the point of order that Senate Bill No. 88 cannot be considered because it violates Rule 9-A of the Joint Rules.

The President overruled the point of order.

Pending discussion of S. B. No. 88, Senator Owen raised the point of order that a motion to suspend the Senate Rules is not debatable.

The President sustained the point of order.

Question: Shall the rules be suspended to consider S. B. No. 88?

Motion to Adjourn

Senator Rogers moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—9

Aikin	Hardeman
Calhoun	Owen
Creighton	Ratliff
Crump	Rogers
Dies	

Nays—21

Bates	Moffett
Blanchard	Parkhouse
Cole	Patman
Colson	Reagan
Hall	Richter
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word
Krueger	

Absent

Moore

Senate Bill 88 on Second Reading

Senator Richter again moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No.

88 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Cole	Moore
Colson	Parkhouse
Creighton	Patman
Crump	Reagan
Dies	Richter
Hall	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Nays—5

Calhoun	Ratliff
Hardeman	Rogers
Owen	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 88, A bill to be entitled "An Act creating the Governor's Committee on Education Beyond the High School for the study of the needs of public and private education beyond the high school in this State and the formulation and recommendation of a comprehensive coordinated system of programs and facilities in education beyond the high school; setting a termination date for its work; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Amend S. B. 88, Section 1, page 1, line 33, by striking out the words "public and private" and substitute in lieu thereof the following, "public, private and private denominational."

The amendment was read.

Senator Rogers offered the following substitute for the pending amendment:

Amend S. B. 88 by striking out Section 1 and substituting in lieu thereof the following and renumber the subsequent sections, to-wit:

Section 1. There is hereby estab-

lished the Texas Committee on Education Beyond the High School to be composed of fifteen (15) members.

Sec. 2. The Texas Committee on Education Beyond the High School shall be appointed as follows, to-wit:

(a) The Governor shall appoint five (5) members, one of which shall be designated as chairman of the committee.

(b) The Lieutenant Governor shall appoint five (5) members, one of which shall be designated as vice-chairman of the committee.

(c) The Speaker of the House of Representatives shall appoint five (5) members, one of which shall be designated as secretary of the committee.

(d) The Governor, Lieutenant Governor, Speaker of the House of Representatives, chairman of the Senate Finance Committee, chairman of the Senate State Affairs Committee, chairman of the House of Representatives Appropriation Committee, and chairman of the House of Representatives Revenue and Taxation Committee shall be ex-officio members of the committee.

Sec. 3. It is the intent of the Legislature that appropriate representation on the committee be given to public, private and religious junior colleges, colleges, universities, and graduate and post-graduate research institutes. The terms of office for members of the committee shall be from the date of their respective appointment until August 31, 1964.

The substitute for the amendment by Senator Watson was read.

Question—Shall the substitute by Senator Rogers for the pending amendment by Senator Watson be adopted?

Welcome Resolutions

S. R. No. 159—By Senator Calhoun: Extending welcome to Mrs. J. C. Wynne, Jr., of Tyler.

S. R. No. 162—By Senator Watson: Extending welcome to Mrs. Clara Wallace and Mrs. Louise Fort of Waco.

Memorial Resolution

S. R. No. 160—By Senator Watson: Memorial resolution for Kalvart K. Tidwell.

Adjournment

Senator Moffett moved that the

Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—16

Mr. President	Hazlewood
Aikin	Moffett
Blanchard	Owen
Calhoun	Parkhouse
Creighton	Ratliff
Crump	Rogers
Dies	Watson
Hardeman	Word

Nays—15

Bates	Moore
Cole	Patman
Colson	Reagan
Hall	Richter
Herring	Schwartz
Kazen	Spears
Kennard	Strong
Krueger	

Absent

Harrington

The President announced that he voted "Yea."

Accordingly the Senate at 12:23 o'clock p.m. adjourned until 10:30 o'clock a.m. on tomorrow.

TWENTY-NINTH DAY

(Tuesday, February 26, 1963)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word